

REMARKS

The Applicants thank the Examiner for withdrawing the previous rejections based on Dorenbosch et al. in view of H'mimy further in view of Rasanen. As noted by the Applicants in the previous response, Rasanen does not teach the features of adapting a service to the characteristics of a second channel where the characteristics of the second channel do not meet the service criteria, and the claimed subject-matter as a whole would not be obvious in view of the combination of references. The Examiner's new rejections in reliance on Friman suffer from the same deficiencies, as particularized below.

In the Office Action of January 6, 2009, the Examiner rejected claims 1, 5, 8-10, 13, 16, 19-23, 24-28, 31, 33-35, 37 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Dorenbosch et al. in view of H'mimy et al. and newly-cited reference US Patent No. 6,741,858 (Friman et al.). In this rejection, the Examiner acknowledges that the combination of Dorenbosch and H'mimy fails to disclose the limitations found in, for example, claim 1, wherein the characteristics of the second channel do not meet the service criteria and the service is adapted to the characteristics of the second channel. The Examiner asserts that these features are found in the Friman reference; in particular, the text of Friman's claims 1 and 7. The Applicants respectfully disagree.

The specific language found in claim 1 of the present application reads "wherein said characteristics of said second channel do not meet said service criteria; adapting said service to said characteristics of said second channel". As described in, for example, paragraph [0027] of the specification, an active service operating over the first connection between the mobile device and a remote point may be adapted when it is found that a second channel cannot support the service criteria associated with the pre-established active service. By adapting the service to the characteristics of the second channel, the service is permitted to continue operating despite the transfer of the service from the first channel to the second channel. As described in paragraph [0027], an example adaptation

may include changing the codec used with regard to the service. In another example, a service involving two or more media streams, such as audio and video, may be adapted by dropping one of the media streams, such as the video, and transmitting the remaining media streams only. Other modifications or adaptations to the service to ensure continued operation of the service over a channel having characteristics insufficient to support the original service will be appreciated.

The Friman reference cited by the Examiner describes a method of changing communication channels within a mobile wireless network. Friman's objective is to change the channel used between the base station system and the mobile services switching centre so as to use a different speech processing unit. In the prior art described at column 2, lines 18-32, changing to a different speech processing unit has previously necessitated a consequent change in the channel of the radio connection between the mobile station and the base station system. There is no advantage or reasons for changing the radio channel. Accordingly, Friman describes a handover process that avoids changing the channel of the radio connection between the base station and the mobile station.

Notably, Friman's handover occurs within the wired network itself; the mobile station does not need to be in any way aware of the change in the telecommunications channel within the wired network: column 3, lines 14-19. Friman does not disclose or describe any service criteria that may be associated with the service operating over the existing connections. In column 2, lines 8-17, Friman notes that the change in speech processing unit may be connected to a desire to change the encoding scheme for a call. Friman nowhere suggests that this is in any way consequent upon the characteristics of the new channel as compared to the service criteria for the service currently operating over the channel. Indeed there is no suggestion in Friman that the change in speech processing unit is in any way connected to characteristics of the new channel. In fact, given that the first and second channel are entirely within the network interconnecting the base station controller and the mobile services centre, the capacities and capabilities of these channels

are likely to be identical. Therefore, in the Applicants' respectful submission, the Friman reference has no relevance to the subject matter claimed in the present applications and cannot support the Examiner's rejection of 35 U.S.C. § 103(a).

Accordingly, the Applicants respectfully submit that the Friman reference fails to teach or suggest a step of adapting the service to the characteristics of the second channel as recited in claim 1 of the present application. Accordingly, the Applicants respectfully request withdrawal of the rejection of claim 1. For the same reasons, the Applicants respectfully submit that the limitations of independent claims 10, 21, and 26 are also non-obvious over the combination of references cited by the Examiner, and the Applicants respectfully request withdrawal of the rejections of these claims.

In light of the foregoing, therefore, reexamination and reconsideration of independent claims 1, 10, 21, and 26 and the dependent claims dependent thereon is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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